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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The Following Bills were introduced in Lok Sabha on the 24th September, 1965:—

BILL No. 65 OF 1965

A bill to make certain provisions relating to the employment of members of the Armed Forces of the Union in the working and management of railways.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title extent and commencement.

1. (1) This Act may be called the Railways (Employment of Members of the Armed Forces) Act, 1965.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Interpretation.

2. Words and expressions used in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them in that Act. 9 of 1890.

Employment of members of Armed Forces of the Union to assist a railway administration in connection with the service of a railway.

3. (*1*) When any member of the Armed Forces of the Union is employed to assist a railway administration in connection with the service of a railway, then, whether such employment was before or is after the commencement of this Act,—

(*a*) any provision of the Indian Railways Act, 1890, or of the rules made thereunder, which confers a power, status or immunity, or imposes a duty or liability, upon a railway servant, in connection with the working, use, management and maintenance of railways, shall be construed as conferring the same power, status or immunity or imposing the same duty or liability, as the case may be, upon such member of the Armed Forces of the Union when so employed; 9 of 1890.

(*b*) the employment of a member of the Armed Forces of the Union, in addition to or in the place of any railway servant, shall not affect any liability that would have attached to the railway administration had such member been a railway servant.

(*2*) Nothing in sub-section (*1*) shall be construed as making applicable to the members of the Armed Forces of the Union employed to assist a railway administration the provisions of Chapter VIA of the Indian Railways Act, 1890, or as derogating from any provision of a law regulating the governance, control and discipline of the members of the Armed Forces of the Union. 9 of 1890.

Employment of members of Armed Forces of the Union to replace railway administration in working a railway.

4. If at any time the whole of the working, management and maintenance of a railway, or of a specific portion or section of a railway, is assumed by the Armed Forces of the Union, the Central Government may notify the fact of such assumption in the Official Gazette, and thereupon, so long as such assumption continues, the Indian Railways Act, 1890, shall cease to be applicable to the Railway or the portion or section of the Railway concerned. 9 of 1890.

STATEMENT OF OBJECTS AND REASONS

In an emergency, occasions may arise when members of the Armed Forces have to be employed to assist the Railway administration in manning the Railways. The personnel so employed do not, however, fall within the definition of "Railway servants" under the Indian Railways Act, 1890, even while actually working on Railways. It is, therefore, necessary to confer upon the members of the Armed Forces so employed the same powers, status and immunities, and impose upon them the same liabilities, as are applicable to Railway servants under the Indian Railways Act, 1890. Sometimes even the whole of the working, management and maintenance of a Railway or specific portion or section of it, may have to be assumed exclusively by the Armed Forces. During the period of such assumption the Indian Railways Act, 1890 should not apply in respect of the Railway or portion or section of the Railways so taken over. The Bill, which closely follows the provisions contained in Ordinance 53 of 1942 (since repealed by Act 2 of 1948), seeks to achieve the above objects.

NEW DELHI;
The 23rd September, 1965.

Y. B. CHAVAN.

BILL No. 64 OF 1965

A bill to amend and consolidate the law relating to the financing of measures for promoting the welfare of labour employed in the coal-mining industry.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Coal Mines Labour Welfare Fund Act, 1965.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "Board" means the Board of trustees constituted under section 5;

(*b*) "Commissioner" means the Coal Mines Labour Welfare Commissioner appointed under section 9;

(*c*) "Fund" means the Coal Mines Labour Housing and General Welfare Fund constituted under section 17;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Standing Committee" means the Standing Committee constituted under section 11;

(*f*) "Trust" means the Coal Mines Labour Welfare Fund Trust established under section 3;

(*g*) "trustee" means a trustee appointed or nominated under section 5;

(*h*) "year" means the financial year.

CHAPTER II

THE COAL MINES LABOUR WELFARE FUND TRUST

3. (*1*) The Central Government shall, by notification in the Official Gazette and with effect from such date as may be specified therein, establish for the purposes of this Act a Corporation known as the Coal Mines Labour Welfare Fund Trust. Establishment of Coal Mines Labour Welfare Fund Trust.

(*2*) The Trust shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may, by that name, sue and be sued.

(*3*) The head office of the Trust shall be at Dhanbad or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(*4*) The Trust may establish local offices, branches or agencies at other places in India.

4. The general superintendence, direction and management of the affairs and business of the Trust shall vest in a Board of trustees which may exercise all such powers and do all such acts and things as may be exercised or done by the Trust under this Act. Management.

Board of trustees.

5. (*1*) The Board of trustees shall consist of the following trustees, namely:—

(*a*) the Minister for Labour in the Central Government, *ex-officio*, who shall be the Chairman;

(*b*) an official of the Ministry of the Central Government dealing with labour and employment, appointed by the Central Government, who shall be the Vice-Chairman;

(*c*) an official of the Ministry of the Central Government dealing with finance, appointed by the Central Government;

(*d*) four other officials appointed by the Central Government to represent that Government and such of the State Governments as the Central Government may specify;

(*e*) six persons representing employers to be nominated by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by that Government;

(*f*) six persons representing employees to be nominated by the Central Government in consultation with such organisations of employees as may be specified by that Government;

(*g*) a woman nominated by the Central Government if no woman has been nominated under clause (*f*);

(*h*) two mining engineers to be nominated by the Central Government to represent mine managers.

(2) **The term of office of, and the manner of filling casual vacancies among, the trustees of the Trust, other than the Chairman, and the other terms and conditions of appointment or nomination of such trustees (including allowances payable for attending meetings of the Board or the Standing Committee) shall be such as may be prescribed.**

Disqualification for office of trustee.

6. A person shall be disqualified for being appointed or nominated as, and for being, a trustee—

(*a*) if he is an officer or other employee of the Trust; or

(*b*) if he is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or

(c) if he is of unsound mind and stands so declared by a competent court; or

(d) if he is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude.

Removal and resignation of trustees.

7. (1) The Central Government may remove from office any trustee who—

(a) is or has become subject to any of the disqualifications mentioned in section 6; or

(b) is absent without leave of the Board of trustees from three consecutive meetings thereof without cause sufficient, in the opinion of the Board, to exonerate his absence; or

(c) ceases to represent the interest to represent which he was nominated.

(2) A trustee may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

Meetings of Board.

8. (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Trust under this Act.

(2) The Chairman of the Board or, if for any reason he is unable to attend any meeting, the Vice-Chairman thereof shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the trustees present and voting and, in the event of an equality of votes, the Chairman or, in his absence, the Vice-Chairman shall have and exercise a second or casting vote.

Officers and other employees of Trust.

9. (1) The Central Government shall, after consultation with the Union Public Service Commission, appoint a person to be the Coal Mines Labour Welfare Commissioner who shall be the chief executive officer of the Trust and shall be subject to the general control and superintendence of the Board.

(2) The Central Government may, after consultation with the Union Public Service Commission, also appoint as many other officers whose maximum monthly salary is not less than one thousand rupees, as it may consider necessary to assist the Commissioner in the discharge of his duties.

(3) Subject to such rules as may be made by the Central Government in this behalf, the Trust may appoint such other officers and employees as it considers necessary for the efficient performance of its functions.

(4) The methods of appointment, the conditions of service and the scales of pay of the officers and other employees of the Trust shall,—

(*a*) as respects the Commissioner, and the other officers referred to in sub-section (2), be such as may be prescribed;

(*b*) as respects the other officers and employees, be such as may be determined by regulations made by the Trust under this Act:

Provided that all officers and other employees appointed under the Coal Mines Labour Fund Act, 1947, and holding office immediately before the date referred to in sub-section (1) of section 3 shall be deemed to have been appointed as officers and employees of the Trust with effect from that date and every such officer and employee shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and the same rights and privileges as to pension, leave, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are altered by the Trust with the approval of the Central Government: 32 of 1947.

Provided further that such tenure, remuneration and terms and conditions of service shall not be altered to the disadvantage of any such officer or employee.

Functions of Trust.

10. (1) It shall be the duty of the Trust to promote, under the general direction and control of the Central Government, the welfare of labour employed in the coal-mining industry by such measures as it thinks fit.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may relate to—

(*i*) the improvement of public health and sanitation, the prevention of disease, the provision of medical facilities and the improvement of existing medical facilities, including the provision and maintenance of dispensary services in collieries the owners of which do not receive grants-in-aid under section 18;

(*ii*) the provision of water supplies, and facilities for washing, and the improvement of existing supplies and facilities;

(*iii*) the provision and improvement of educational facilities;

(*iv*) the improvement of standards of living, including nutrition, amelioration of social conditions and the provision of recreational facilities;

(*v*) the provision of transport to and from work.

(*vi*) the erection, maintenance and repair of housing accommodation for labour employed in the coal-mining industry and the provision of services and facilities connected therewith;

(*vii*) the preparation of schemes and acquisition of land for the purposes referred to in clause (*vi*);

(*viii*) such other matters as may be prescribed.

Constitution of Standing Committee.

11. (*1*) A Standing Committee shall be constituted from among the members of the Board consisting of—

(*a*) the Vice-Chairman of the Board, who shall be the Chairman;

(*b*) the trustee referred to in clause (*c*) of sub-section (*1*) of section 5;

(*c*) any two of the trustees referred to in clause (*d*) of sub-section (*1*) of section 5, appointed by the Central Government;

(*d*) three trustees each, from among the trustees referred to in clause (*e*) and clause (*f*) of sub-section (*1*) of section 5, nominated by the Central Government.

(*2*) The Standing Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Trust in this behalf.

Powers of Standing Committee.

12. (*1*) Subject to the general control, superintendence and direction of the Board, the Standing Committee shall administer the affairs of the Trust and may exercise any of the powers and perform any of the functions of the Trust.

(*2*) The Standing Committee shall submit for the consideration and decision of the Board all such cases and matters as may be specified in the regulations made by the Trust in this behalf.

(*3*) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Board.

Member of Board or of Standing Committee not to take part in certain cases.

13. A member of the Board or of the Standing Committee who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board or the Standing Committee shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of the interest at such meeting and the disclosure shall be recorded in the minutes of the Board or, as the case may be, of the Standing Committee, and thereupon the member shall not take any part in any deliberation of the Board or the Standing Committee with respect to that matter.

Supersession of Board and Standing Committee.

14. (*1*) If, in the opinion of the Central Government, the Board or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, that Government may, by notification in the Official Gazette, supersede the Board, or in the case of the Standing Committee, supersede in consultation with the Board, the Standing Committee:

Provided that, before issuing the notification under this sub-section, the Central Government shall give a reasonable opportunity to the Board or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (*1*) superseding the Board or the Standing Committee, all the members of the Board or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 11.

(4) When the Board has been superseded, the Central Government may—

(*a*) immediately reconstitute the Board in accordance with section 5 and may constitute a new Standing Committee under section 11;

(*b*) in its discretion, appoint such agency, for such period as it may think fit, to exercise the powers and perform the functions of the Board and such agency shall be competent to exercise all the powers and perform all the functions of the Board.

(5) The Central Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before Parliament at the earliest opportunity and in any case not later than four months from the date of the notification superseding the Board or the Standing Committee, as the case may be.

CHAPTER III

FINANCE, ACCOUNTS AND AUDIT

Imposition and collection of duty.

15. (*1*) There shall be levied and collected as a cess for the purposes of this Act a duty of excise on all coal and coke despatched from collieries in the territories to which this Act extends at such rate not less than twenty-five paise and not more than fifty paise per tonne, as may from time to time be fixed by the Central Government by notification in the Official Gazette:

Provided that the Central Government may, by notification in the Official Gazette, exempt from liability to the duty any specified class or classes of coal or coke.

(*2*) The duty levied under sub-section (*1*) shall, subject to and in accordance with rules made in this behalf, be collected by such agencies and in such manner as may be prescribed.

Payment of proceeds of the duty to Trust

16. The proceeds of the duty levied under section 15 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Trust, such proceeds, after deducting the expenses of collection, for being utilised for the purposes of this Act.

Constitution of Fund.

17. (*1*) There shall be constituted by the Trust a Fund to be called the Coal Mines Labour Housing and General Welfare Fund.

(*2*) The Fund shall be apportioned under two separate accounts to be called the Housing Account of the Fund and the General Welfare Account of the Fund in such manner as the Central Government may, from time to time, by notification in the Official Gazette determine:

Provided that there shall at all times be credited—

(*a*) to the Housing Account of the Fund not less than eight paise, and

(*b*) to the General Welfare Account of the Fund not more than twenty-eight paise,

out of the duty collected under this Act on every tonne of coal or coke.

(3) There shall also be credited to the General Welfare Account of the Fund any other moneys received by the Trust towards such account.

(4) There shall also be credited to the Housing Account of the Fund—

(a) any grants made thereto by the Central Government after due appropriation made by Parliament by law in this behalf;

(b) rents, if any, realised from housing accommodation constructed out of such account;

(c) any other moneys received by the Trust towards the Housing Account.

Expenditure from Fund.

18. (1) The cost of administering the Fund and the salaries and allowances, if any, of the Commissioner and other officers and staff appointed to supervise or carry out the measures financed from the Fund shall be defrayed out of the Fund and shall be apportioned between and debited to the Housing Account and the General Welfare Account in such manner as may be prescribed.

(2) The Trust may, out of the General Welfare Account of the Fund, pay annually grants-in-aid to such of the colliery owners as maintain to the satisfaction of the Commissioner dispensary services of the prescribed standard for the benefit of labour employed in their collieries, so however that the amount payable as grant-in-aid to the owner of a colliery shall not exceed—

(i) the amount of the duty at the rate of four paise per tonne recovered in respect of coal or coke despatched from the colliery less the proportionate cost of recovery, or

(ii) the amount spent by the owner of the colliery in the maintenance of the dispensary service as determined by the Commissioner,

whichever is less:

Provided that where a colliery owner has, in the opinion of the Commissioner, maintained dispensary service of a standard higher than the prescribed standard for the benefit of labour employed in his colliery, then, the rate of the duty referred to in clause (i) may extend up to six paise per tonne:

Provided further that no grant-in-aid shall be payable in respect of dispensary service maintained by the owner of a colliery if the amount spent thereon as determined by the Commissioner is less than rupees eighty per mensem.

(3) The balance of the moneys in the General Welfare Account of the Fund shall be applied by the Board to meet expenditure incurred in connection with measures which are in the opinion of the

Board necessary or expedient to promote the welfare of labour employed in the coal-mining industry.

(4) Without prejudice to the generality of sub-section (3), the moneys in the General Welfare Account of the Fund may be utilised to defray—

(a) the cost of measures for the benefit of labour employed in the coal-mining industry undertaken in pursuance of the provisions of clauses (i) to (v) of sub-section (2) of section 10;

(b) the grant to a State Government, a local authority or the owner, agent or manager of a coal mine of money in aid of any scheme approved by the Trust for any purpose for which moneys in the General Welfare Account of the Fund may be utilised;

(c) the allowances, if any, of the members of the Board and the Standing Committee;

(d) any other expenditure which the Trust directs to be defrayed out of the moneys in the General Welfare Account of the Fund.

(5) The moneys in the Housing Account of the Fund shall be applied by the Board to defray—

(a) the cost of measures for the benefit of labour employed in the coal-mining industry undertaken in pursuance of the provisions of clauses (vi) and (vii) of sub-section (2) of section 10;

(b) the grant to a State Government, a local authority or the owner, agent or manager of a coal mine of money in aid of any scheme approved by the Trust for any purpose for which moneys in the Housing Account of the Fund may be utilised;

(c) any other expenditure which the Trust directs to be defrayed out of the moneys in the Housing Account of the Fund.

(6) The Board may invest moneys in the Fund in securities of the Government of India or, with the previous approval of the Central Government, in other securities.

(7) The Board will have power to decide whether any particular expenditure is or is not debitable to the Housing Account or to the General Welfare Account of the Fund.

Provisions regarding housing accommodation.

19. (1) The occupation by any person of any housing accommodation provided out of the Housing Account of the Fund shall be subject to compliance by that person at all times with such conditions relating to his occupation of such accommodation as may be prescribed by regulations made by the Trust in this behalf.

(2) Before any person occupies any such accommodation, he shall be furnished with a copy of the conditions referred to in sub-section (1), and if he so desires, the said conditions shall be read over to him in a language which he understands; and the Board shall cause to be published in such manner as it thinks best adapted for informing the persons concerned any changes which may, from time to time, be made in the said conditions.

(3) If, in the opinion of the Board, any person in occupation of any such accommodation fails or ceases to comply with any of the conditions referred to in sub-section (1), it may, by notice in writing, require him to vacate the accommodation on or before such date, not being less than thirty days after the service of the notice, as may be specified in the notice; and the occupation of such accommodation by such person or any dependent of his after the date so specified shall be unlawful, and such person or dependent may be evicted accordingly by due process of law from such accommodation.

(4) There shall be payable in respect of the occupation of any such accommodation as aforesaid rent at such rate as may be prescribed by regulations made by the Trust in this behalf:

Provided that the Board may remit, subject to compliance at all times with the conditions referred to in sub-section (1), either the whole or any part of such rent:

Provided further that where, in the case of any person who is by virtue of a remission under the first proviso paying either no rent or a reduced rent, the Board has reason to believe that such person has contravened any of the said conditions, it may by notice in writing require such person to pay, with effect on and after the expiry of seven days from the service of the notice, rent for the accommodation occupied by him at the full prescribed rate.

(5) All rent payable in respect of the occupation of the accommodation as aforesaid, whether at the full prescribed rate or at a lesser rate, shall be recoverable as an arrear of land revenue.

Submission of programme of activities and financial estimates.

20. (1) The Trust shall, before the commencement of each year, prepare a statement of programme of its activities during the forthcoming year as well as a financial estimate in respect thereof.

(2) The statement and the financial estimate prepared under sub-section (1) shall, not less than three months before the commencement of each year, be submitted for approval to the Central Government.

(3) The statement and the financial estimate of the Trust may, with the approval of the Central Government, be revised by the Trust.

(4) No sum shall be expended by or on behalf of the Trust unless the expenditure is covered by a specific provision in the financial estimate approved by the Central Government.

Accounts and audit.

21. (1) The Trust shall maintain proper accounts and other relevant records and prepare the statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Trust shall be audited by the Comptroller and Auditor General of India at such intervals as may be prescribed by him and any expenditure incurred in connection with such audit shall be payable by the Trust to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Trust shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General has in connection with audit of Government accounts, and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and inspect any of the offices of the Trust.

(4) The accounts of the Trust as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

Annual Report.

22. The Trust shall submit to the Central Government an annual report of its work and activities.

Financial estimate, audited accounts and annual report to be placed before Parliament.

23. The annual report, the audited accounts of the Fund and the financial estimate as approved by the Central Government shall be placed before Parliament and published in the Official Gazette.

CHAPTER IV

MISCELLANEOUS

Power of Central Government to give directions.

24. The Central Government may give directions to the Trust as to the carrying into execution of this Act and the Trust shall comply with such directions.

Vacancies, etc., not to invalidate acts or proceedings of Board, etc.

25. (*1*) No act or proceeding of the Trust or the Standing Committee shall be invalid by reason only of the eisxtence of any vacancy in, or any defect in the constitution of, the Board or the Standing Committee.

(*2*) No act done by any person acting in good faith as a member of the Board or of the Standing Committee shall be deemed to be invalid by reason only of his disqualification for being appointed as, or for being a member of such Board or the Standing Committee.

Powers of Officers.

26. (*1*) Any person appointed under section 9 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

(*2*) The Commissioner or any officer authorised by him in this behalf may, with such assistance if any as he thinks fit, enter at all reasonable times any place which he considers it necessary to enter for the purpose of supervising or carrying out the measures financed from the Fund and may do therein anything necessary for the proper discharge of his duties.

Protection of action taken under this Act.

27. No suit or other legal proceeding shall lie against the Trust or any member of the Board or the Standing Committee or any officer or other employee of the Trust or any other person authorised by the Trust or the Board or the Standing Committee or the Commissioner to discharge any functions under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

Exemption from income-tax.

28. Notwithstanding anything contained in the Income-tax Act, 1961 or in any other enactment for the time being in force relating to income-tax or any other tax on income, profits or gains, the Trust shall not be liable to pay income-tax or any other tax in respect of any income, profits or gains derived by it from any source. 43 of 1961.

Power to make rules.

29. (*1*) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry into effect the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(*i*) the manner in which the duty levied under sub-sec-

tion (*1*) of section 15 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries and the deduction of a percentage of the realizations to cover the cost of collection;

(*ii*) the term of office of, and the manner of filling casual vacancies among, the trustees, the allowances, if any, payable to them and the other terms and conditions of their appointment or nomination;

(*iii*) the form of the annual statement of accounts and the balance-sheet to be prepared by the Trust;

(*iv*) the apportionment between the Housing Account and the General Welfare Account of the Fund of the expenditure on the administration of the Fund and on the salaries and allowances of Commissioner and other officers and employees of the Trust;

(*v*) the standard of dispensary service to be provided by owners of collieries under sub-section (*2*) of section 18 and the inspection and supervision of the dispensaries and other places at which such services are provided;

(*vi*) the application by owners of collieries for grants-in-aid, the authority to whom and the manner in which such applications shall be made and the particulars to be specified in such applications;

(*vii*) the manner in which dispensary service may be provided by the Trust;

(*viii*) the conditions governing the grant of money from the General Welfare Account and the Housing Account of the Fund to a State Government, a local authority or the owner, agent or manager of a coal mine;

(*ix*) the methods of appointment, the conditions of service, the scales of pay and the duties and functions of the Commissioner and the other officers referred to in sub-section (*2*) of section 9;

(*x*) the furnishing by owners, agents or managers of coal mines of statistical or other information, and the punishment by fine not exceeding two hundred rupees for failure to comply with the requirements of any rules made under this clause;

(*xi*) any other matter which is to be or may be prescribed or provided for by rules under this Act.

(*3*) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive

sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of Trust to make regulations.

30. (1) The Trust may, with the previous sanction of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder, to provide for all the matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the methods of recruitment, the conditions of service, the scales of pay and the duties and conduct of the officers and employees of the Trust, other than the Commissioner and the officers referred to in sub-section (2) of section 9;

(b) the financial and administrative powers of the Board, the Standing Committee, the Commissioner and other officers of the Trust;

(c) the times and places at which the meetings of the Board and the Standing Committee shall be held and the procedure to be followed thereat;

(d) the conditions relating to occupation of housing accommodation provided out of the Housing Account of the Fund and the rate of rent for such accommodation;

(e) generally, the efficient conduct of the affairs of the Trust.

(3) The Central Government may, by notification in the Official Gazette, rescind any regulation which it has sanctioned and thereupon such regulation shall cease to have effect.

Repeals and savings.

31. (1) The Coal Mines Labour Welfare Fund Act, 1947 is hereby repealed. 32 of 1947.

(2) All moneys and other property and all rights and interests, of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for the Coal Mines Labour Housing and General Welfare Fund constituted under the Coal Mines Labour Welfare Fund Act, 1947 and the Housing Board constituted under the said Act 32 of 1947. as well as all liabilities legally subsisting against the Fund or the said

Housing Board shall pass to the Trust with effect from the date referred to in sub-section (1) of section 3 (hereinafter referred to as the said date).

(3) Any proceedings taken by the Central Government or the Housing Board under the Coal Mines Labour Welfare Fund Act, 1947, before the said date may be continued by the Trust after the said date.

32 of 1947.

(4) Until action in that behalf is otherwise taken under the corresponding provisions of this Act or the rules and regulations made thereunder, all action taken or anything done under the provisions of the Coal Mines Labour Welfare Fund Act, 1947, shall, unless inconsistent with the provisions of this Act, be deemed to have been taken or done under the corresponding provisions of this Act and the rules and regulations made thereunder.

32 of 1947.

(5) For the removal of doubts, it is hereby declared that the provisions contained in sub-sections (2) to (4) inclusive shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897.

10 of 1897.

(6) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by order make such provision or give such direction not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

The Coal Mines Labour Welfare Fund Act, 1947, was enacted with a view to making better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry. The Act provides for the levy of a duty of excise on all coal and coke despatched from collieries at such rate not exceeding eight annas per ton as may from time to time be fixed by the Central Government. The proceeds of the duty are credited to a Fund called the Coal Mines Labour Housing and General Welfare Fund and apportioned under two separate accounts called the General Welfare Account and the Housing Account. While the General Welfare Account is operated directly by the Central Government, the Housing Account is operated by a body corporate called the Coal Mines Labour Housing Board constituted under section 6 of the Act.

2. The working of the Act has shown that there are obvious advantages in making the Coal Mines Labour Welfare Fund Organisation as a whole, a body corporate under the statute. The Organisation has now an annual income of about Rs. 4 crores. It is accordingly proposed to establish a corporation known as the Coal Mines Labour Welfare Fund Trust which will be responsible, under the general direction and control of the Central Government, for promotion of the welfare of labour employed in the coal-mining industry. This Corporation will function through a Board of Trustees consisting of twenty-two members representing the Government, the employers and the labour employed in the coal-mining industry.

3. For giving effect to the above object, it is proposed to replace the Act by a new legislation. Provision has also been made in the legislation for payment of enhanced grants-in-aid to colliery owners who maintain dispensary services of a standard higher than the prescribed minimum, and also for the transfer of existing employees to the Corporation.

4. The Bill exempts income, profits or gains of the Trust from the liability to income-tax.

5. Subject to the modifications mentioned above, the provisions of the Bill are broadly on the lines of the provisions of the existing Act, including the imposition of duty of excise on coal and coke despatched from collieries.

D. SANJIVAYYA.

NEW DELHI;
The 21st September, 1965.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 1/1/64-MII, dated the 22nd September, 1965 from Shri D. Sanjivayya, Minister of Labour and Employment to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill to amend and consolidate the law relating to the financing of measures for promoting the welfare of labour employed in the coal mining industry has, in pursuance of clause (1) of article 117, read with sub-clause (a) of clause 1 of article 110, clause (3) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

FINANCIAL MEMORANDUM

Clause 15 of the Bill provides for the levy of a duty of excise on all coal and coke despatched from collieries at such rate not less than 25 paise and not more than 50 paise per tonne as may be notified by the Central Government. The duty levied at the rate of 50 paise per tonne, will yield about rupees four crores per annum. Under clause 16, the proceeds of the duty shall first be credited to the Consolidated Fund of India; the Central Government, if Parliament by appropriation made by law in this behalf so provides, will pay to the Coal Mines Labour Welfare Fund Trust such proceeds after deducting the expenses of collection. According to sub-clause (4) of clause 17, the Central Government may also pay to the Trust, any grants, after due appropriation made by Parliament by law in this behalf. The funds thus obtained are to be utilised by the Trust for meeting the expenses on allowances of the members of the Board of Trustees and of the Standing Committee [sub-clause (2) of clause 5], the cost of administering the Fund [sub-clause (1) of clause 18], payment of grants-in-aid to colliery owners who maintain dispensary services of the prescribed or higher standard [sub-clause (2) of clause 18], and expenditure in connection with measures for promotion of the welfare of labour employed in the coal-mining industry [sub-clauses (3) to (5) of clause 18]. There will be no additional expenditure on account of the proposed enactment than was envisaged under the Coal Mines Labour Welfare Fund Act, 1947 which the present Bill seeks to replace. In any case, all such expenditure in favour of the Trust under this Bill will be only after due appropriation made by Parliament by law in this behalf.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules for carrying into effect the purposes of the Act. Matters in respect of which such rules may be made are specified in that clause. They *inter alia* relate to the collection of the duty and the determination of the cost of such collection, the terms and conditions of appointment or nomination of the Trustees, maintenance of annual statement of accounts, the standard of dispensary services to be provided by the owners of collieries, the payment of grants-in-aid from the Fund, and the manner in which dispensary services may be provided by the Trust. The scope of clause 29 is thus limited to matters of procedure or detail. Moreover, the rules shall be subject to the scrutiny of Parliament.

2. Clause 30 of the Bill empowers the Trust to make regulations not inconsistent with the Act and the rules made thereunder for the purpose of giving effect to the provisions of the Act. The matters which may be provided for by regulations relate to procedural or administrative details.

3. The delegation of legislative power is thus of a normal character.

S. L. SHAKDHER,
Secretary.

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